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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,629	09/09/2003	Anthony J. Baerlocher	0112300-1634	5599
29159	7590	10/18/2007		EXAMINER
BELL, BOYD & LLOYD LLP				LEIVA, FRANK M
P.O. Box 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690			3714	
				NOTIFICATION DATE
				DELIVERY MODE
			10/18/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/659,629	BAERLOCHER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Frank M. Leiva	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 August 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 and 44-60 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-35 and 44-60 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 August 2007 has been entered.

### ***Acknowledgements***

2. The examiner acknowledges claims 36-43 have been canceled in the applicant's submission filed 08 August 2007, and the amendments made do not change the scope of the claims and the 35 USC §103 rejections from the office action filed 26 April 2007 remain proper. Applicant's remarks to be answered below.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 1-10, 21, 23-26, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille (US 5,931,467), hereinafter Kamille, in view of Olsen (US 6,217,448), hereinafter Olsen.**

Kamille discloses the following:

- a. A first round, in which the examiner interprets the starting point, for example of figures 7A and 7C to be an equivalent to a first round, a plurality of different outcomes of the first round (figures 7A and 7C), a second round, in which the examiner interprets the choosing of another spot in direction of the arrows to be equivalent to the second round, at least one winning outcome of the second round (figures 7A and 7C), a plurality of different probabilities of providing the winning outcome of the second round (figures 7A and 7C), a display device (figure 7A, 7C and col. 5, lines 28-45), and a processor (col. 5, lines 28-45), which Kamille is inherently capable of being operable with the display device to (a) select and display at least one of the outcomes of the first round (figures 7A and 7C), (b) select one of the different probabilities of providing the winning outcome of the second round (figures 7A and 7C), wherein the probability of providing the winning outcome of the second round is selected based on the selected outcome of the first round (figures 7A and 7C), and (c) as recited in claim 1.
- b. The processor is operable to provide the player an award based on the selected outcome of the first round and the winning outcome of the second round if the determination is to provide the player the winning outcome of the second round, in which the examiner interprets the player choosing one of the starting points which leads to a direction towards a win in figure 7A and 7C to be an equivalent to the player an award based on the selected outcome of the first round and the winning outcome of the second round if the determination is to provide the player the winning outcome of the second round as recited in claim 2.
- c. The processor is operable to provide the player an award based on the selected outcome of the first round if the determination is not to provide the player the winning outcome of the second round as recited in claim 3.
- d. The processor is operable to enable the player to play the first round, in which the examiner interprets the starting point to be equivalent to the first round as recited in claim 4.

- a. The processor is operable to enable the player to play the second round, in which the examiner interprets the selection of another spot to be equivalent to the second round (figures 7A and 7C) as recited in claim 5.
- b. The processor is operable to enable the player to play the first round and the second round (figure 7C) as recited in claim 6.
- c. At least one subsequent round, at least one winning outcome of the subsequent round and a plurality of different probabilities of providing the winning outcome of the subsequent round (figures 7A and 7C) as recited in claims 7 and 17.
- d. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the first round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 8.
- e. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the second round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 9.
- f. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the first round and the second round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 10.
- g. A first round, in which the examiner interprets the starting point to be equivalent to the first round, a plurality of positive outcomes of the first round, in which the examiner interprets plurality of directions to choose from in figure 7C to be an equivalent to a plurality of positive outcomes of the first round, a second round, in which the examiner interprets another selection after the initial selection to be an equivalent to a second round (figure 7C), at least one positive outcome of the

second round, in which the examiner interprets the selection of a win to be an equivalent to at least one positive outcome of the second round, a plurality of different probabilities of providing the positive outcome of the second round (figure 7C), a display device (col. 5, lines 28-45), and a processor operable with the display device to (a) select and display a number of the plurality of positive outcomes of the first round (figure 7C), (b) select one of the different probabilities of providing the positive outcome of the second round, wherein the probability of providing the positive outcome of the second round is selected based on the number of selected positive outcomes of the first round (figure 7C), and (c).

h. A first round, in which the examiner interprets the starting point to be an equivalent to a first round, a range of different values of the first round (col. 8, lines 42-46), a second round including a modifier, in which the examiner interprets the selection of another spot to be an equivalent to a second round (figure 7C and col. 8, lines 42-46), a range of different probabilities of obtaining the modifier of the second round (figure 7C), a display device (col. 5, lines 28-45), and a processor (col. 5, lines 28-45), which Kamille is inherently capable of being operable with the display device to (a) indicate at least one of the values of the first round to a player, (b) select one of the different probabilities of obtaining the modifier of the second round, wherein the greater the indicated value of the first round the lower the selected probability of obtaining the modifier of the second round, (c) determine whether to provide the player the modifier of the second round, wherein the determination is based on the selected probability of obtaining the modifier of the second round, (d) provide the player the indicated value of the first round if the determination is not to provide the player the modifier of the second round, and (e) modify the indicated value of the first round by the modifier of the second round if the determination is to provide the player the modifier of the second round, in which the examiner interprets the initial starting point and choosing the correct path to a win or void to be an equivalent to steps a through e (figure 7C) as recited in claims 23 and 31.

- i. The processor is operable to provide the player any modified value (figure 7C and col. 8, lines 42-46) as recited in claim 24.
- j. The first round includes a plurality of opportunities to obtain the values, wherein each of the opportunities is associated with a probability of obtaining one of the values (figure 7C) as recited in claim 25.
- k. The processor is operable to provide the player at least one of the plurality of opportunities and to determine based on the associated probability for each provided opportunity whether to indicate one of the values (figure 7C) as recited in claim 26.

Kamille does not disclose:

- a. A determination of whether to provide the player the winning outcome of the second round occurs, wherein the determination is based exclusively on the number of non-selected outcomes of the second round, as recited in claim 1.
- b. A determination of whether to provide the player the positive outcome of the second round occurs, wherein the determination is based exclusively on the number of non-selected positive outcomes of the second round as recited in claim 21.
- c. A range of different independently determined values of said first round, as recited in claims 23 and 31.

Olsen teaches:

- a. A determination of whether to provide the player the (winning or positive) outcome of the second round occurs, wherein the determination is based exclusively on the number of non-selected (winning or positive) outcomes of the first round, which the examiner takes it to mean that the next bonus round will offer winnings based on the amount left on the bonus pool after each round ends and continue to do dependent on the pool not having any winnings left, as recited in claims 1 and 21, (Fig 3).

- b. A range of different independent values of said first round, which is represented by a random Jackpot start value, as recited by claims 23 and 31, (Fig.9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille with the continuing bonus round feature of Olsen to provide a continuous bonus game to lengthen the bonus game and increase player's enthusiasm during play and encourage further play and to increase a game player's chance at an increased outcome.

**5. Claims 11-20, 22, 27-30, 33-34, and 44-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille in view of Thomas et al. (US 6,190,255), hereinafter Thomas, and in further in view of Olsen.**

Kamille discloses the following:

- a. A first round, a plurality of different outcomes of the first round, in which the examiner interprets the starting point and the staring point revealing a plurality of different directions to be an equivalent to a first round and a plurality of different outcomes of the first round (figures 7A and 7C), a second round, at least one winning outcome of the second round, in which the examiner interprets the choosing of one of the plurality of directions as shown in figure 7C to be an equivalent to a second round and at least one winning outcome of the second round (figure 7C), a plurality of different probabilities of providing the winning outcome of the second round (figure 7C), and (a) one of the plurality of outcomes of the first round is selected and displayed, in which the examiner interpret the selection of one of the starting point to be an equivalent to step (a), (figure 7C), (b) one of the different probabilities of providing the winning outcome of the second round is selected, wherein the probability of providing the winning outcome of the second round is selected based on the selected outcome of the first round, in which the examiner interprets the selection from the first selection having a choice of

directions, wherein the correct choice leads to a win to be an equivalent to step (b) (figure 7C), and (c) as recited in claim 11.

b. The processor is operable to provide the player an award based on the selected outcome of the first round and the winning outcome of the second round if the determination is to provide the player the winning outcome of the second round, in which the examiner interprets the player choosing one of the starting points which leads to a direction towards a win in figure 7A and 7C to be an equivalent to the player an award based on the selected outcome of the first round and the winning outcome of the second round if the determination is to provide the player the winning outcome of the second round as recited in claim 12.

c. The processor is operable to provide the player an award based on the selected outcome of the first round if the determination is not to provide the player the winning outcome of the second round as recited in claim 13.

d. The processor is operable to enable the player to play the first round, in which the examiner interprets the starting point to be equivalent to the first round as recited in claim 14.

e. The processor is operable to enable the player to play the second round, in which the examiner interprets the selection of another spot to be equivalent to the second round (figures 7A and 7C) as recited in claims 5 and 15.

f. The processor is operable to enable the player to play the first round and the second round (figure 7C) as recited in claim 16.

g. At least one subsequent round, at least one winning outcome of the subsequent round and a plurality of different probabilities of providing the winning outcome of the subsequent round (figures 7A and 7C) as recited in claims 7 and 17.

h. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the first round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 18.

- i. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the second round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 19.
- j. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the first round and the second round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 20.
- k. A first round, in which the examiner interprets the starting point to be an equivalent to a first round, a plurality of different positive outcomes of the first round (figure 7C), a second round, in which the examiner interprets the selection of another spot to be an equivalent to a second round (figure 7C), at least one positive outcome of the second round (figure 7C), a plurality of different probabilities of providing the positive outcome of the second round (figures 7A and 7C), and (a) a number of the plurality of positive outcomes of the first round are selected and displayed (figure 7C), (b) one of the different probabilities of providing the positive outcome of the second round is selected, wherein the probability of providing the positive outcome of the second round is selected based on the number of selected positive outcomes of the first round (figure 7C), and (c) a determination of whether to provide the player the positive outcome of the second round occurs, wherein the determination is based on the selected probability of providing the positive outcome of the second round, in which the examiner interprets the initial starting point and choosing the correct path to a win or void to be an equivalent to steps a through c (figures 7A and 7C) as recited in claim 22.
- l. A first round, in which the examiner interprets the starting point to be an equivalent to a first round, a range of different values of the first round (col. 8, lines 42-46), a second round including a modifier, a range of different probabilities of

obtaining the modifier of the second round, in which the examiner interprets the selection of another spot to be an equivalent to a second round (col. 8, lines 42-46), (a) at least one of the values of the first round is indicated to the player (figure 7C and col. 8, lines 42-46), (b) one of the different probabilities of obtaining the modifier of the second round is selected, wherein the greater the indicated value of the first round the lower the selected probability of obtaining the modifier of the second round (figure 7C), (c) a determination of whether to provide the player the modifier of the second round occurs, wherein the determination is based on the selected probability of obtaining the modifier of the second round (figure 7C), (d) the player is provided the indicated value of the first round if the determination is not to provide the player the modifier of the second round (figure 7C), and (e) the indicated value of the first round is modified by the modifier of the second round if the determination is to provide the player the modifier of the second round, in which the examiner interpret the initial starting point and choosing the correct path to a win or void to be an equivalent to steps a through e (figures 7A and 7C) as recited in claims 27 and 33.

- m. The player is provided any modified value (col. 8, lines 42-46) as recited in claims 28 and 34.
- n. The first round includes a plurality of opportunities to obtain the values, wherein each of the opportunities is associated with a probability of obtaining one of the values (figure 7C) as recited in claim 29.
- n. The player is provided at least one of the plurality of opportunities and a determination occurs based on the associated probability for each provided opportunity of whether to indicate one of the values (figure 7C) as recited in claim 30.
- p. A first round, in which the examiner interpret the starting point to be equivalent to the first round (figure 7C), a plurality of values of the first round (figure 7C and col. 8, lines 42-46), wherein each value is associated with a probability, in which the examiner interprets the player chosen path to be an equivalent to each value is associated with a probability, a second round including a modifier, a

plurality of probabilities of obtaining the modifier of the second round, in which the examiner interprets the selection of another spot to be an equivalent to a second round and the path chosen to be the plurality of probabilities of obtaining the modifier of the second round (figures 7A, 7C and col. 8, lines 42-46), a display (figure 7A, 7C and col. 5, lines 28-45), and a processor (col. 5, lines 28-45), which Kamille is inherently capable of being operable with the display device to: (a) enable a player to play the first round, wherein the first round includes: (i) selecting one of the plurality of values (figure 7C), (ii) determining whether to provide the selected value to the player, wherein the determination is based on the probability associated with the selected value, in which the examiner interprets the arrow direction, win, or void to be an equivalent to (ii) determining whether to provide the selected value to the player, wherein the determination is based on the probability associated with the selected value (figure 7c), (iii) providing the selected value to the player if the determination is to provide the selected value to the player (figure 7C), and (iv) repeating steps (i) to (iii) until the occurrence of a terminating event, (b) enabling the player to play the second round, wherein the second round includes: (vi) determining whether the player obtains the modifier, wherein the determination is based on the selected probability of obtaining the modifier, (vii) applying the modifier to any provided values of the first round to form a modified value of the second round, if the determination is that the player obtains the modifier, and (viii) providing the modified value if the determination is that the player obtains the modifier, in which the examiner interprets the starting point and choosing the correct path to a win or void to be an equivalent to steps i through viii (figure 7C) as recited in claims 44, 47, 52, and 58.

q. The higher the number of provided values of the first round, the lower the probability of obtaining the modifier of the second round (figures 7A and 7C) as recited in claims 45, 51, 57, 59.

r. The higher the number of provided values of the first round, the higher the probability of obtaining the modifier of the second round (figures 7A and 7C) as recited in claims 46 and 60.

- s. A plurality of terminators, in which the examiner interprets the void to be an equivalent to a plurality of terminators (figure 7A and 7C) as recited in claims 48 and 54.
- t. The processor is operable to provide the player one of the terminators in the first round if the player's picked selection is not associated with the selected value (figure 7A) as recited in claims 49 and 55.
- u. The terminating event occurs when the player is provided a designated number of terminators (figure 7A and 7C) as recited in claims 50 and 56.

Kamille does not disclose the following:

- a. A primary wagering game operable upon a wager by a player and a triggering event associated with the primary wagering game as recited in claims 11, 22, 27, and 58.
- b. Enable the player to play the second round after the occurrence of the terminating event as recited in claims 44, 47, 52, and 58.
- c. The terminating event occurs when the steps (i) to (v) are repeated for a designated number of opportunities as recited in claim 53.
- d. A determination of whether to provide the player the winning outcome of the second round occurs, wherein the determination is based exclusively on the number of non-selected outcomes of the second round, as recited in claim 11
- e. Selecting one of the probabilities of obtaining the modifier of the second round wherein the probability of obtaining the modifier is selected based exclusively on the number of non-provided values of the first round, as recited in claims 44-47, 51, 52, and 57-60.
- f. A range of different independent values of said first round, as recited by claims 27 and 33.

Thomas et al teaches the following:

- a. A primary wagering game operable upon a wager by a player and triggering event associated with the primary wagering game (abstract and figure 1) as recited in claim 11.
- b. Enable the player to play the second round after the occurrence of the terminating event (summary) as recited in claims 44, 47, 52, and 58.
- c. The terminating event occurs when the steps (i) to (v) are repeated for a designated number of opportunities (summary) as recited in claim 53.
- d. By having a primary wagering game and a triggering event associated with the primary wagering game, one of ordinary skill in the art would provide a secondary or bonus game to encourage further play and to increase a game player's chance at an increased outcome.
- e. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille to include a primary wagering game operable upon a wager by a player and a triggering event associated with the primary wagering game, enable the player to play the second round after the occurrence of the terminating event, the terminating event occurs when the steps (i) to (v) are repeated for a designated number of opportunities as taught by Thomas et al to provide a secondary or bonus game to encourage further play and to increase a game player's chance at an increased outcome.

Olsen teaches:

- a. A determination of whether to provide the player the winning outcome of the second round occurs, wherein the determination is based exclusively on the number of non-selected outcomes of the first round, which the examiner takes it to mean that the next bonus round will offer winnings based on the amount left on the bonus pool after each round ends and continue to do dependent on the pool not having any winnings left, as recited in claim 11.
- b. Selecting one of the probabilities of obtaining the modifier of the second round wherein the probability of obtaining the modifier is selected based exclusively

on the number of non-provided values of the first round, which the examiner takes it to mean that the next bonus round will provide values based on the amount left on the bonus pool after each round ends and continue to do so dependent on the pool not having any value left, as recited in claims 44-47, 51, 52, and 57-60.

c. A range of different independent values of said first round, which is represented by a random Jackpot start value, as recited by claims 23 and 31, (Fig.9).

d. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille With Thomas and to add the continuing bonus round feature of Olsen to provide a continuous bonus game to lengthen the bonus game and increase player's enthusiasm during play and encourage further play and to increase a game player's chance at an increased outcome.

**6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille in view of Joshi (US 6,485,367), hereinafter Joshi, and in further view of Olsen.**

Kamille discloses the following:

a. A first round, a plurality of different outcomes of the first round, a second round, at least one positive outcome of the second round, a plurality of different probabilities of providing the positive outcome of the second round, a display device, and a processor operable with the display device to (a) select and display at least one of the outcomes of the first round, (e) determine whether to provide the player the positive outcome of the second round if the player rejects the selected outcome of the first round, wherein the determination is based on the selected probability of providing the positive outcome of the second round as in claim 35.

Kamille does not disclose the following:

- a. Enable a player to accept or reject the selected outcome of the first round and provide the player the selected outcome of the first round if the player accepts the selected outcome of the first round.
- b. Select one of the different probabilities of providing the positive outcome of the second round if the player rejects the selected outcome of the first round, wherein the probability of providing the positive outcome of the second round is selected based exclusively on the number of non-selected outcomes of the first round, as recited in claim 35.

Joshi teaches the following:

Enable a player to accept or reject the selected outcome of the first round and provide the player the selected outcome of the first round if the player accepts the selected outcome of the first round (col. 6, line 66 – column 7, line 15) as recited in claim 35. By having enabling a player to accept or reject the selected outcome, one of ordinary skill in the art would provide game players a chance at a bigger payout outcome, which will attract frequent play by enhancing the entertainment value and excitement associated with the game.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille to include enabling a player to accept or reject the selected outcome of the first round and provide the player the selected outcome of the first round if the player accepts the selected outcome of the first round as taught by Joshi to provide game players a chance at a bigger payout outcome, which will attract frequent play by enhancing the entertainment value and excitement associated with the game.

Olsen discloses:

Wherein the probability of providing the positive outcome of the second round is selected based exclusively on the number of non-selected outcomes of the first round, which the examiner takes it to mean that the next bonus round will offer winnings based on the amount left on the bonus pool after each round ends and continue to do dependent on the pool not having any winnings left, as recited in claim 35.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille With Joshi and to add the continuing bonus round feature of Olsen to provide a continuous bonus game to lengthen the bonus game and increase player's enthusiasm during play and encourage further play and to increase a game player's chance at an increased outcome.

**7. Claims 37-38 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille (US 5,931,467) in view of Vancura (US 6,033,307).**

Kamille discloses the claimed invention as discussed above except for the following:

- a. The display device is a mechanical device, wherein each display device includes a first position associated with one of the outcomes of the first round and a second position associated with the outcome of the second round that is associated with the outcome of the first round as recited in claims 37 and 40.
- b. The processor is operable to move the display device to the first position to display the selected outcome of the first round, wherein once the display device is moved to the first position, the display device cannot simultaneously display the outcome associated with the second position as recited in claims 38 and 41.

Vancura teaches the following:

a. The display device is a mechanical device, in which the examiner interprets the secondary game machine to be an equivalent to the display device is a mechanical device, wherein each display device includes a first position (figure 4 item 408) associated with one of the outcomes of the first round and a second position (figure 4 item 408) associated with the outcome of the second round that is associated with the outcome of the first round, in which the examiner interprets the outcome of the payline (65) determines the position of the character (402) to be an equivalent to a first position associated with one of the outcomes of the first round and a second position associated with the outcome of the second round that is associated with the outcome of the second round with the outcome of the first round (figure 4) as recited in claims 37 and 40.

b. The processor is operable to move the display device to the first position to display the selected outcome of the first round (figure 4 item 402), wherein once the display device is moved to the first position (figure 4 item 408), the display device cannot simultaneously display the outcome associated with the second position, in which the examiner interprets the outcome on the payline (65) that determines the character (402) moving towards the next position (408) has not yet been determined (spun) to be equivalent to the display device cannot simultaneously display the outcome associated with the second position as recited in claims 38 and 41. By displaying the positions of the selected outcomes, one of ordinary skill in the art would provide game players with a visual destination or goal to allow the highest possible accumulated winning outcome values.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille to include the display device, wherein each display device includes a first position associated with one of the outcomes of the first round and a second position associated with the outcome of the second round that is associated with the outcome of the first round and the processor is operable to move the display device to the first position to display the selected outcome of the first round, wherein once the display device is moved to the first position, the display device cannot simultaneously display the outcome

associated with the second position as taught by Vancura to provide game players with a visual destination or goal to allow the highest possible accumulated winning outcome values.

### ***Response to Arguments***

- 8. Applicant's arguments filed 08 august 2007 have been fully considered but they are not persuasive.**
9. Applicant's argument in page 24 of the remarks, "*Applicants respectfully submit that one of skill in the art would not have been motivated to combine Olsen with Kamille in the manner suggested by the Office Action*", the examiner understands that if the applicant does not conclude as for the teachings of Kamille and Olsen to cover all the limitations, it would not produce the outcome as combined. Thus the examiner will respond to the applicant's arguments on the teachings, and summarize the combination of the teachings.
10. Regarding the argument in page 25 of the remarks, "*Olsen does not disclose basing the winnings offered in the next bonus round on the amount left on the bonus pool after each round end*", the applicant's argument is not in the scope of the claim as written.
11. Regarding the argument in page 25 of the remarks, "*Olsen discloses no relationship between the amount of the bonus pool and the number or amounts of bonus payouts provided to the player during the bonus mode*", the examiner points to Olsen (col. 3:38-63), in which is expressly discussed the parameter used to calculate (relationship) the bonus multiplier opportunities and the length of the bonus round in respect to the depletion (amount) of the bonus pool.
12. Regarding the argument in page 25 of the remarks, "*Each bonus payout may be any amount, and, in fact, according to Olsen, may even exceed the amount of the bonus*

pool", "*Therefore, the bonus payouts in Olsen are independent of the amount in the bonus pool*", the examiner points again to Olsen (col. 3:38-63), "regulation and stabilization occurs by controlling the number of bonus rounds, the actual value of the bonus multiplier used in each round..." and adds that it is all relevant to the depletion of the bonus pool, and that it may be impossible to stop the winnings in an exact amount to equal zero, but that the limit has been met.

13. Regarding the argument in page 26 of the remarks, "*Nothing in Olsen appears to indicate that the bonus payout in the next bonus mode is affected by the amount of the bonus pool in the previous bonus mode*", the examiner points that it is not in the scope of the claims.

14. Regarding the argument in page 26 of the remarks directed to claims 1 and 11, "*Olsen does not appear to disclose selecting one of different probabilities of providing a winning outcome of a second round based exclusively on the number of non-selected outcomes of a first round*", the examiner points to the §103 rejection above and restates that the number of non-selected outcomes is viewed by the examiner as to be the remaining pool monies not awarded yet and that the processor as stated in Olsen (col. 3:38-63) states that it calculates bonus multiplier opportunities based on the level of depletion of the pool.

15. Regarding the argument in page 26 of the remarks directed to claims 21, 22 and 35, "*Olsen does not appear to disclose selecting one of different probabilities of providing a positive outcome of a second round based exclusively on the number of non-selected positive outcomes of a first round*", as stated in the previous paragraph the number of non-selected positive outcomes is viewed by the examiner as to be the remaining pool monies not awarded yet and that the processor as stated in Olsen (col. 3:38-63) states that it calculates bonus multiplier opportunities based on the level of depletion of the pool.

16. Regarding the argument in page 26 of the remarks directed to claims 44, 47, 52 and 57, "*Olsen does not appear to disclose selecting one of probabilities of obtaining a modifier*

of a second round", the examiner again points to Olsen (col. 3:38-63), where it states that the invention provides bonus multipliers (modifier) that increases through successive bonus rounds.

17. Regarding the argument in page 27 of the remarks directed to claims 23, 27, 31 and 33, "*Kamille, alone, or in combination with Olsen, does not appear to disclose a range of different independently determined values of a first round wherein the greater the indicated value of the first round, the lower the selected probability of obtaining a modifier of a second round*", the examiner points to a calculation of a value will always fall within a range of values that the game designer has originally set for the game. All casino games must have by design and regulations a maximum liability disclosure so as to protect the casino from high payouts.

18. Examiner's note: A maximum liability is the largest amount the machine is able to payout at any given point. These large jackpots are very well described in the PAR sheets and game designers must take consideration of these liabilities when designing a game.

19. The applicant in page 27 of the remarks mentions deficiencies in Thomas and Joshi yet fails to point out the specific deficiency.

20. The examiner concludes after answering the previous arguments presented, that Kamille, Olsen, Thomas and Joshi all cover all of the claimed limitation of the present application, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these features in any number of predictable outcomes.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

10/13/2007



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